

**DISTRIBUTION OF PROPERTY BY CHANCE**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kraig Powell**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies a definition applicable to the disposal or distribution of property by chance.

**Highlighted Provisions:**

This bill:

▸ specifies that the disposal or distribution of property by chance is not a lottery if the payment of consideration for the chance to obtain the property is voluntary and optional.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-10-1101**, as last amended by Laws of Utah 2009, Chapter 382

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **76-10-1101** is amended to read:

**76-10-1101. Definitions.**

As used in this part:



28 (1) (a) "Fringe gambling" means any gambling, lottery, or video gaming device which  
29 is:

30 (i) given, conducted, or offered for use or sale by a business in exchange for anything  
31 of value; or

32 (ii) given away incident to the purchase of other goods or services.

33 (b) "Fringe gambling" does not include a gambling, lottery, video gaming device, or  
34 other promotional activity which is clearly occasional and ancillary to the primary activity of  
35 the business.

36 (2) (a) "Gambling" means risking anything of value for a return or risking anything of  
37 value upon the outcome of a contest, game, gaming scheme, or gaming device when the return  
38 or outcome:

39 (i) is based upon an element of chance; and

40 (ii) is in accord with an agreement or understanding that someone will receive  
41 something of value in the event of a certain outcome.

42 (b) "Gambling" includes a lottery and fringe gambling.

43 (c) "Gambling" does not include:

44 (i) a lawful business transaction; or

45 (ii) playing an amusement device that confers only an immediate and unrecorded right  
46 of replay not exchangeable for value.

47 (3) "Gambling bet" means money, checks, credit, or any other representation of value.

48 (4) "Gambling device or record" means anything specifically designed for use in  
49 gambling or used primarily for gambling.

50 (5) "Gambling proceeds" means anything of value used in gambling.

51 (6) "Lottery":

52 (a) except as provided in Subsection (6)(b), means any scheme for the disposal or  
53 distribution of property by chance among persons who have paid or promised to pay any  
54 valuable consideration for the chance of obtaining property, or portion of it, or for any share or  
55 any interest in property, upon any agreement, understanding, or expectation that it is to be  
56 distributed or disposed of by lot or chance, whether called a lottery, raffle, or gift enterprise, or  
57 by whatever name it is known[-]; and

58 (b) does not include a scheme for the disposal or distribution of property by chance if

59 the payment of valuable consideration for a chance to obtain the property is voluntary and  
60 optional.

61 (7) "Video gaming device" means any device that possesses all of the following  
62 characteristics:

63 (a) a video display and computer mechanism for playing a game;

64 (b) the length of play of any single game is not substantially affected by the skill,  
65 knowledge, or dexterity of the player;

66 (c) a meter, tracking, or recording mechanism that records or tracks any money, tokens,  
67 games, or credits accumulated or remaining;

68 (d) a play option that permits a player to spend or risk varying amounts of money,  
69 tokens, or credits during a single game, in which the spending or risking of a greater amount of  
70 money, tokens, or credits:

71 (i) does not significantly extend the length of play time of any single game; and

72 (ii) provides for a chance of greater return of credits, games, or money; and

73 (e) an operating mechanism that requires inserting money, tokens, or other valuable  
74 consideration in order to function.

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**Legislative Review Note**  
as of 1-27-12 9:49 AM

**Office of Legislative Research and General Counsel**